

The following information reflects the requirements for all swimming pool barriers used to protect pool regardless of the date of installation.

**SECTION 303 – NYS PROPERTY MAINTENANCE CODE
SWIMMING POOLS, SPAS AND HOT TUBS**

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

[B] 303.2 Enclosures. The provisions of this section shall control the design of barriers for residential swimming pools, spas and hot tubs. For public swimming pools, spas and hot tubs refer to Chapter 31 of the *Building Code of New York State*. Design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

303.3 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within the vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2.25-inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).
7. Where the barrier is composed of the diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).

8. Access gates shall comply with the requirements of Section 303.3, Items 1 through 7, and shall be securely locked with a key, combination or other child-proof lock sufficient to prevent access to the swimming pool through such gate when the swimming pool is not in use or supervised. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - 8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and
 - 8.2 The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier one of the following conditions shall be met:
 - 9.1 The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
 - 9.2 All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as a touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
 - 9.3 Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.
10. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
 - 10.1 The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
 - 10.2 The ladder or steps shall be surrounded by a barrier which meets the requirements of Section 303.3, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

303.4 Indoor swimming pool. All walls surrounding an indoor swimming pool shall comply with Section 303.3, Item 9.

303.5 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

[B]303.6 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, shall be exempt from the provisions of this section.

ENERGY CODE SECTION E504.3

E504.3 Swimming pools. Swimming pools shall be provided with energy-conserving measures in accordance with §E504.3.1 through §E504.3.3.

E504.3.1 On-off switch. All pool heaters shall be equipped with an ON-OFF switch mounted for easy access to allow shutting off the operation of the heater without adjusting the thermostat setting and to allow restarting without relighting the pilot light.

E504.3.2 Pool covers. Heated swimming pools shall be equipped with a pool cover.

EXCEPTION: Outdoor pools deriving over 20 percent of the energy for heating from renewable sources (computed over an operating season) are exempt from this requirement.

E504.3.3 Time clocks. Time clocks shall be installed so that the pump can be set to run in the off-peak electric demand period and can be set for the minimum time necessary to maintain the water in a clear and sanitary condition in keeping with applicable health standards.

ALL HEATED POOLS MUST BE EQUIPPED WITH ENERGY-CONSERVING EQUIPMENT AS FOLLOWS:

- **On-Off Switch for Pool Heater**
- **Pool Cover**
- **Time Clock set so pump runs at off-peak hours and for minimum time necessary.**

**ALL REQUIRED EQUIPMENT MUST BE IN PLACE AT
THE TIME OF INSPECTION, INCLUDING POOL COVER.**

1220.5. Swimming pool alarms. [amended text 12/14/2006]

(a) Purpose. Paragraph (b) of subdivision (14) of section 378 of the Executive Law, as added by Chapter 450 of the Laws of 2006, requires that the New York State Uniform Fire Prevention and Building Code (the Uniform Code) provide that any “residential or commercial swimming pool constructed or substantially modified after the effective date of this paragraph (December 14, 2006) shall be equipped with an acceptable pool alarm capable of detecting a child entering the water and of giving an audible alarm.” The Introducer’s Memorandum in Support of Chapter 450 states, in pertinent part, that “drowning is the second leading cause of unintentional injury-related deaths in children between the ages of one and fourteen nation wide, and the third leading cause of injury-related deaths of children in New York. . . . Technological advances have produced several different types of pool alarms designed to sound a warning if a child falls into the water. When used in conjunction with access barriers, these alarms provide greater protection against accidental pool drownings.” This section and section 1221.3 of Part 1221 of this Title are intended to implement the provisions of Executive Law section 378(14)(b).

(b) Definitions. The terms “approved,” “commercial swimming pool,” “residential swimming pool,” “swimming pool,” “substantial damage,” and “substantial modification” shall, for the purposes of this section, have the meanings ascribed in subdivision (b) of section 1221.3 of Part 1221 of this Title.

(c) Pool alarms. Each residential swimming pool installed, constructed or substantially modified after December 14, 2006 and each commercial swimming pool installed, constructed or substantially modified after December 14, 2006 shall be equipped with an approved pool alarm which:

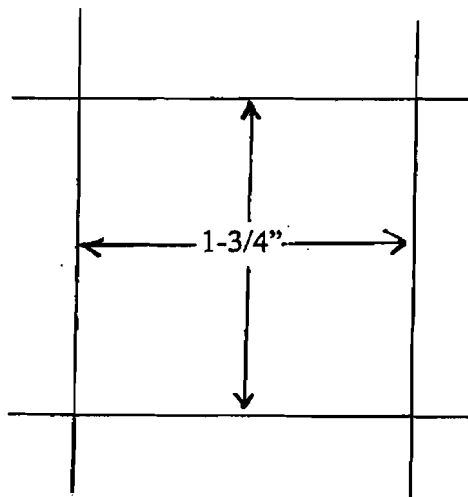
- (1) is capable of detecting a child entering the water and giving an audible alarm when it detects a child entering the water;
- (2) is audible poolside and at another location on the premises where the swimming pool is located;
- (3) is installed, used and maintained in accordance with the manufacturer’s instructions;
- (4) is classified by Underwriter’s Laboratory, Inc. (or other approved independent testing laboratory) to reference standard ASTM F2208, entitled “Standard Specification for Pool Alarms,” as adopted in 2002 and editorially corrected in June 2005, published by ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428; and
- (5) is not an alarm device which is located on person(s) or which is dependent on device(s) located on person(s) for its proper operation.

(d) Multiple pool alarms. A pool alarm installed pursuant to subdivision (c) of this section must be capable of detecting entry into the water at any point on the surface of the swimming pool. If necessary to provide detection capability at every point on the surface of the swimming pool, more than one pool alarm shall be installed.

(e) Exemptions.

- (1) A hot tub or spa equipped with a safety cover classified by Underwriters Laboratory, Inc. (or other approved independent testing laboratory) to reference standard ASTM F1346 (2003), entitled “Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs,” published by ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, shall be exempt from the requirements of subdivisions (c) and (d) of this section.
- (2) Any swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover classified by Underwriters Laboratory, Inc. (or other approved independent testing laboratory) to reference standard ASTM F1346 (2003), entitled “Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs,” published by ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, shall be exempt from the requirements of subdivisions (c) and (d) of this section.

Please Note: Wire fence material (turkey wire) is permitted as long as the dimensions of the openings are 1-3/4" or less. A #9 gauge wire will be required at the top of wire fences. It must be secured by the top finger of the post and woven through or tied with a wire twist 1' on center. Corner posts of wire fences must be properly braced and/or approved lumber installed to a sufficient depth.

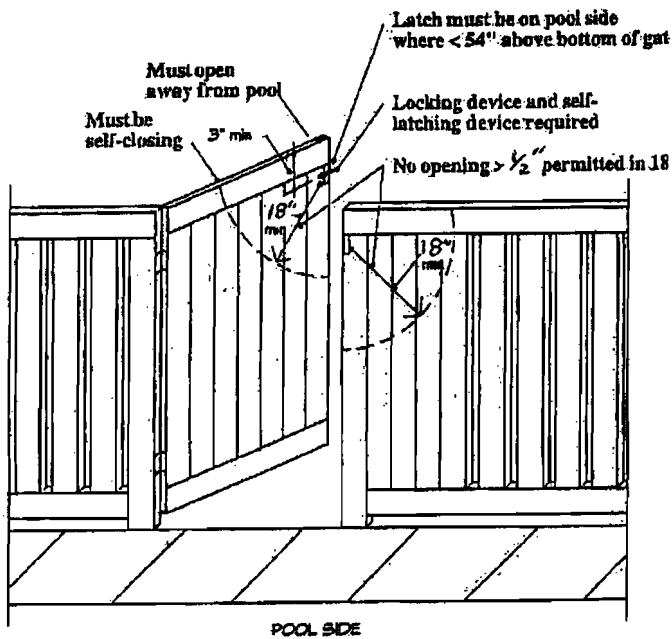


The following diagrams are provided for reference purposes only.
They are not intended for design purposes.

Swimming Pool Enclosures

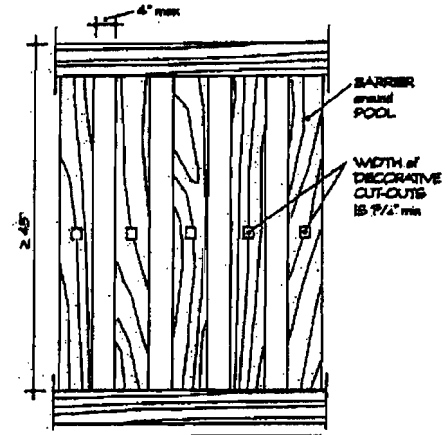
Gates

- Requirements for access gates in barriers are shown in the detail provided.



Gates in barriers around residential swimming pools.

Swimming Pool Enclosures



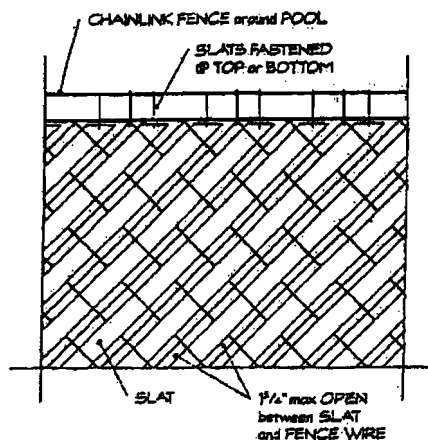
Widely spaced horizontal members in barriers around residential swimming pools.

Diagonal members

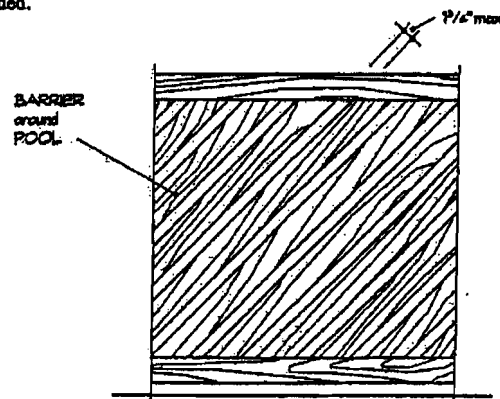
This section addresses barriers enclosing residential swimming pools.

- The limitation of openings for barriers with diagonal members is shown in the detail provided.

Swimming Pool Enclosures



Chain link dimensions at slats in fences around residential swimming pools.



Diagonal members in barriers around residential swimming pools.

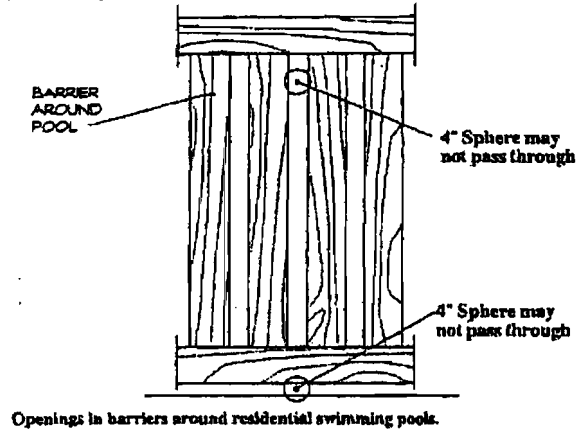
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Swimming Pool Enclosures

Openings

This section addresses barriers enclosing residential swimming pools.

- Openings in the required barrier must be as shown in the detail provided.



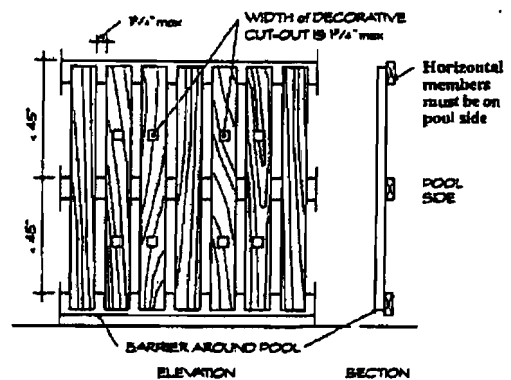
Openings in barriers around residential swimming pools.

Swimming Pool Enclosures

Closely spaced horizontal members

This section addresses barriers enclosing residential swimming pools.

- Requirements for barriers constructed of the following are shown in the detail provided:
 - Horizontal members as follows:
 - Vertical distance between tops of members is $< 3'-9"$.
 - Vertical members.

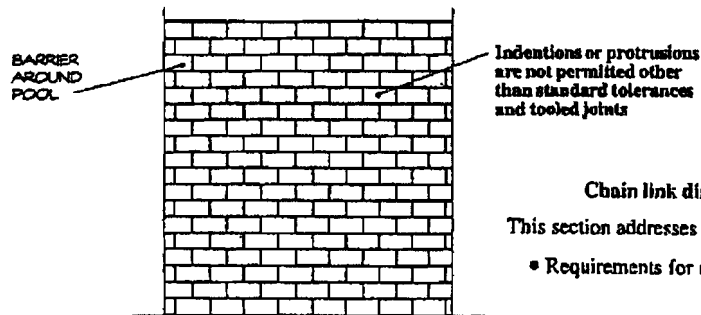


Closely spaced horizontal members in barriers around residential swimming pools.

Solid barrier surfaces

This section addresses barriers enclosing residential swimming pools.

- Where a required barrier is solid, the surface must be as shown in the detail provided.

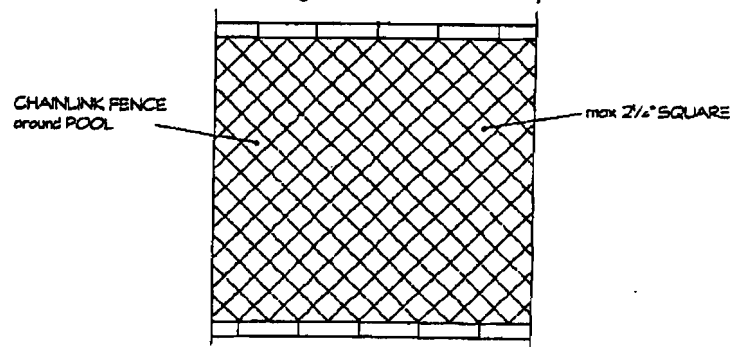


Solid barrier surfaces around residential swimming pools.

Chain link dimensions

This section addresses barriers enclosing residential swimming pools.

- Requirements for chain link fencing are shown on the details provided.



Chain link dimensions in fences around residential swimming pools.

CODE INTERPRETATION NUMBER: 790

DATE OF ISSUE: (Signed 1/11/99)
Code Section 720.1

If an entire residential parcel having an outdoor swimming pool is fenced, does section 720.1 require an additional fenced enclosure for the swimming pool?

Interpretation:

Yes. While section 720.1 (g) permits a wall of a dwelling to serve as part of the enclosure, it does not permit the entire building to be located within the enclosure.
However, section 720.1 does not specify how far back from a pool a fence is required to be located, nor does it limit the enclosure to enclosing the pool and associated equipment only.

This Code Interpretation is issued in accordance with Executive Law section 376)(4).
Subsequent enforcement of the New York state Uniform Fire Prevention and Building Code shall be consistent with this interpretation.

Alexander F. Treadwell, Secretary of State
Date: January 11, 1999